

House File 171 - Introduced

HOUSE FILE 171

BY SALMON

A BILL FOR

1 An Act relating to the prohibition of social media censorship
2 and suppression of religious and political speech.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. NEW SECTION. **686E.1 Definitions.**

2 As used in this chapter, unless the context otherwise
3 requires:

4 1. "*Algorithm*" means a set of instructions designed to
5 perform a specific task.

6 2. "*Hate speech*" means content that a person arbitrarily
7 finds offensive based on the person's personal moral code.

8 3. "*Obscene*" means content that to the average person, when
9 applying contemporary community standards, taken as a whole
10 appeals to prurient interests, and lacks serious literary,
11 artistic, political, or scientific value.

12 4. "*Political speech*" means speech relating to the state,
13 government, body politic, public administration, or government
14 policymaking, including speech relating to social issues.

15 "*Political speech*" does not include speech concerning the
16 administration of or the law relating to the civil aspects of
17 government.

18 5. "*Social media internet site*" means an internet site or
19 application that enables users to communicate with each other
20 by posting information, comments, messages, or images and meets
21 all of the following criteria:

22 a. Is open to the public.

23 b. Has more than seventy-five million users.

24 c. Has not been specifically affiliated with any one
25 religion or political party from its inception.

26 Sec. 2. NEW SECTION. **686E.2 Civil action.**

27 A social media internet site user may bring a civil action
28 against the owner or operator of a social media internet site
29 with users in this state if the social media internet site
30 purposely does any of the following:

31 1. Censors a social media internet site user's religious or
32 political speech.

33 2. Uses an algorithm to suppress a social media internet
34 site user's religious or political speech.

35 Sec. 3. NEW SECTION. **686E.3 Damages.**

1 A social media internet site user may be awarded damages
2 under section 686E.2, including civil damages of seventy-five
3 thousand dollars for each purposeful censoring or suppression
4 of the social media user's speech, actual damages, forms of
5 equitable relief, and attorney fees.

6 Sec. 4. NEW SECTION. **686E.4 Hate speech not a defense.**

7 It is not a defense to a civil action under section 686E.2
8 that the social media internet site user's speech was hate
9 speech.

10 Sec. 5. NEW SECTION. **686E.5 Defenses.**

11 A social media internet site shall not be found liable under
12 section 686E.2 if the censored speech calls for immediate acts
13 of violence, is obscene or pornographic in nature, was censored
14 as a result of operational error, was censored as a result of
15 a court order, came from an inauthentic source or involved
16 false impersonation, enticed criminal conduct, involved minors
17 bullying minors, or if the speech was censored by another
18 social media internet site user.

19 Sec. 6. NEW SECTION. **686E.6 Standing — eighteen years of**
20 **age or older.**

21 Only social media internet site users eighteen years of age
22 or older have standing to enforce this chapter.

23 Sec. 7. NEW SECTION. **686E.7 Attorney general may enforce.**

24 The attorney general may bring a civil action under section
25 686E.2 on behalf of a social media internet user who resides
26 in this state whose religious or political speech has been
27 censored by a social media internet site.

28 Sec. 8. NEW SECTION. **686E.8 Venue.**

29 The venue for any civil action brought under section 686E.2
30 shall be in this state.

31 **EXPLANATION**

32 The inclusion of this explanation does not constitute agreement with
33 the explanation's substance by the members of the general assembly.

34 This bill relates to the prohibition of social media
35 censorship and suppression of religious and political speech.

1 The bill creates a new Code chapter. The bill provides that
2 a social media internet site user may bring a civil action
3 against the owner or operator of a social media internet site
4 with users in this state if the social media internet site
5 purposely censors a social media internet site user's religious
6 or political speech or uses an algorithm to suppress the social
7 media internet site user's religious or political speech. The
8 bill provides for damages up to \$75,000 for each purposeful
9 act of censorship or suppression, as well as actual damages,
10 equitable relief, and attorney fees. The bill sets forth what
11 a social media internet site may use as a defense and what
12 a social media internet site may not use as a defense for
13 censorship or suppression. The bill provides that the Code
14 chapter may be enforced by a social media internet site user
15 who is 18 years old or older or by the attorney general. The
16 bill provides that venue is in the state of Iowa.